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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 LEMEL DETANIO HANKSTON,

10 Petitioner,

11 vs.

12 DWIGHT NEVENS, et al.,

13 Respondents.
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Case No. 2:13-cv-01601-JCM-GWF

ORDER

15 Petitioner has paid the filing fee. Currently before the court are the petition for a writ of
16 habeas corpus pursuant to 28 U.S.C. § 2254 and a motion for appointment of counsel (#2).
17 Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel.
18 See 18 U.S.C. § 3006A(a)(2)(B).

19 IT IS THEREFORE ORDERED that the clerk of the court file the petition.

20 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel (#2) is
21 **GRANTED.** The Federal Public Defender is provisionally appointed to represent petitioner.

22 IT IS FURTHER ORDERED that the Federal Public Defender shall have thirty (30) days
23 from the date that this order is entered to undertake direct representation of petitioner or to indicate
24 to the court his inability to represent petitioner in these proceedings. If the Federal Public Defender
25 does undertake representation of petitioner, he shall then have sixty (60) days to file an amended
26 petition for a writ of habeas corpus. If the Federal Public Defender is unable to represent petitioner,
27 then the court shall appoint alternate counsel.
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1 IT IS FURTHER ORDERED that neither the foregoing deadline nor any extension thereof
2 signifies or will signify any implied finding of a basis for tolling during the time period established.
3 Petitioner at all times remains responsible for calculating the running of the federal limitation period
4 and timely asserting claims.


5 IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney
6 General for the State of Nevada, as counsel for respondents.

7 IT IS FURTHER ORDERED that the clerk shall electronically serve both the Attorney
8 General of the State of Nevada and the Federal Public Defender a copy of the petition and a copy of
9 this order.

10 IT IS FURTHER ORDERED that respondents' counsel shall enter a notice of appearance
11 within twenty (20) days of entry of this order, but no further response shall be required from
12 respondents until further order of the court.

13 IT IS FURTHER ORDERED that any exhibits filed by the parties shall be filed with a
14 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments
15 that are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits
16 in the attachment. The hard copy of any additional state court record exhibits shall be
17 forwarded—for this case—to the staff attorneys in Las Vegas.

18 DATED: May 28, 2014.

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21 JAMES C. MAHAN
22 United States District Judge
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